

BoxInterferences@uspto.gov

Tel: 571-272-4683

Fax: 571-273-0042

Paper 28

Filed: 22 February 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT S. **HARP** and DAVID J. RAY

Junior Party
(Patent 5,524,479),

v.

CRAIG B. **PRATER**, JAMES MASSIE, DAVID A. GRIGG,
VIRGIL B. ELINGS, and PAUL K. HANSMA

Senior Party
(Application 08/871,029).

Patent Interference No. 105,783 (SCM)
(Technology Center 2800)

*Before, SALLY GARDNER LANE, SALLY C. MEDLEY, and MICHAEL P.
TIERNEY, Administrative Patent Judges.*

MEDLEY, Administrative Patent Judge.

Judgment – Request for Adverse - Bd.R. 127(b)

- 1 On 18 February 2011, Harp filed a request for adverse judgment. (Paper
2 25). On 21 February 2011, Prater filed a request for adverse judgment. (Paper 27).
3 The requests are GRANTED.

1 Accordingly, it is
2 **ORDERED** that judgment as to the subject matter of Count 1
3 (Paper 1 at 4) is entered against Harp;

4 **FURTHER ORDERED** that claims 1-10, 12-21 and 23-31 of
5 Harp's involved Patent 5,524,479, which correspond to Count 1, are
6 CANCELLED, 35 U.S.C. § 135 (a);

7 **FURTHER ORDERED** that judgment as to the subject matter of
8 Count 1 (Paper 1 at 4) is entered against Prater;

9 **FURTHER ORDERED** that claims 42, 45-48, 50-72 and 74-77 of
10 Prater's involved Application 08/871,029, which correspond to Count 1, are
11 finally refused;

12 **FURTHER ORDERED** that the parties shall note the
13 requirements of 35 U.S.C. § 135(c) and Bd. R. 205; and

14 **FURTHER ORDERED** that a copy of this judgment be entered in
15 the administrative records of the involved Harp Patent 5,524,479 and Prater
16 Application 08/871,029.

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18 cc (via email):

19 Attorney for Harp:

20 R. Danny Huntington, Esq.
21 Brian A. Tollefson, Esq.
22 ROTHWELL, FIGGS, ERNST & MANBECK, P.C.
23 1425 K Street, N.W., Suite 800
24 Washington, DC 20005

25
26 Tel: 202-783-6040
27 Email: dhuntington@rfem.com
28 Email: btollefson@rfem.com

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2

Attorney for Prater:

3

Jay G. Durst, Esq.

4

Timothy E. Newholm, Esq.

5

Michael T. Griggs, Esq.

6

BOYLE FREDRICKSON S.C.

7

840 North Plankinton Avenue

8

Milwaukee, WI 53203

9

10

Tel: 414-225-9755

11

Email: jgd@boylefred.com

12

Email: ten@boylefred.com

13

Email: mtg@boylefred.com